

MEMO ENDORSED**OFFICE OF THE DISTRICT ATTORNEY, Bronx County**

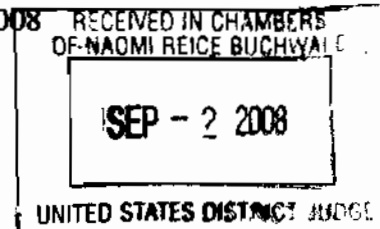
ROBERT T. JOHNSON
District Attorney

198 East 161st Street
Bronx, New York 10451

(718) 590-2494
Fax 590-6523

The Honorable Naomi R. Buchwald
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street - Room 2270
New York, New York 10007

September 2, 2008



Re: Juan Nieves-Andino v. Conway,
08 Civ. 5887 (NRB)

Dear Judge Buchwald:

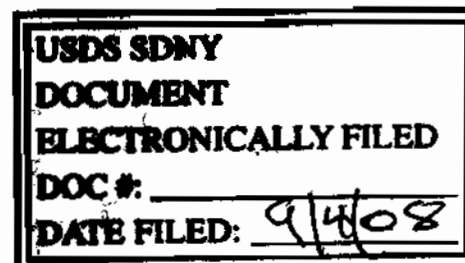
Today I became aware that your Chambers had contacted this Office to inquire as to the status of respondent's answer to the instant habeas corpus proceeding. Upon learning of the inquiry, I checked the PACER system and first became aware that Your Honor had issued an Order on July 10, 2008, directing a response by respondent by August 20, 2008. However, despite the Order's direction to the Clerk to serve the Order and Petition by certified mail upon the Bronx District Attorney's Office, this Office never received the Order. Therefore, respondent respectfully requests that it be granted 60 days from today, until November 3, 2008, to respond to the petition.

No previous requests for an extension have been made. I have not sought or received consent from the incarcerated petitioner, who is proceeding pro se. Thank you for your consideration in this matter.

NANCY D. KILLIAN
Assistant District Attorney

cc.:

Juan Nieves-Andino
04 A 2998
Attica Correctional Facility
P.O. Box 149
Attica, NY 14011-0149



MEMO ENDORSED

*Applicant
Granted
By District*

*Dismissed
9/3/08*